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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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34313	7590	05/03/2005	EXAMINER	
ORRICK, HERRINGTON & SUTCLIFFE, LLP 4 PARK PLAZA SUITE 1600 IRVINE, CA 92614-2558			SHANG, ANNAN Q	
			ART UNIT	PAPER NUMBER
			2614	

DATE MAILED: 05/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/295,935

Applicant(s)

STECYK ET AL.

Examiner

Annan Q. Shang

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 24 January 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-46 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-46 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-46 are rejected under 35 U.S.C. 102(e) as being anticipated by **Stas et al (6,025,869)**.

As to claims 1-12, note the **Stas** reference figures 1 and 5-9, discloses video viewing supervision system and further discloses a method of supervising personal exposure to a consumer electronics device (Telecommander 'Tel-C' 10) having a V-chip, the method comprising:

Telecommander (Tel-C) 10 (fig. 1a and 4), which receives audio/video sources "a program signal suitable for conversion by the consumer electronics device..." and content rating "a content-based indicator indicative..." and schedule "timing information" of EPG (an hour, day, week, etc,) and a reference time or current time (col. 6, lines 55-61) via Satellite 17, Cable Box 16, TV Antenna, Game 19 and VCR 18 (col. 3, lines 13-33), where Tel-C 10 uses Microprocessor (MP) 438 and Real Time Clock to generates timing information

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Remoter Control Unit (RCU) 12 (figs. 2a) or Tel-C 10 Controls 26, allows a Parent to program Tel-C 10, by selecting content rating "a content-based specification" and selecting a time period or duration "a first finite time range specification" with the rating (figs. 6-10, col. 3, lines 33-50, col. 7, lines 11-22 and col. 8, lines 10+); note the various blocking of programs, channels within a set time(s) in figures 7-10;

Microprocessor (MP) 438 (fig. 4 and col. 6, line 58-col. 7, line 23) compares the time period with the time of the day, blocks selected channels within the restricted time period and allows the user or parent see the program if the program is outside the restricted or blocked time period "review of the user discernible information without user input or comparison of the received content-based indicator with a content-based specification if the reference time is outside the first time range specification;" (col. 8, lines 10-65 and col. 10, lines 11-57);

MP 438 further compares the selected rating with the received rating and when the reference time falls within the restricted time period or "range" and generates a block control signal to block "impairing" the program(s), channel(s), etc., "program signal" in response to a block control signal from MP 438, if the received content rating exceeds the selected content rating (col. 8, lines 10-65 and col. 10, lines 11-57), note that the encoding is under EIA Standard and furthermore the parent can block by program(s), channel(s), time on a day, week, month, etc, based on the content rating "subject matter category" of the program to permit the child to only watch selected program(s) at specific time period(s), as specified by the parent.

As to claim 13, note the **Stas** reference figures 1 and 5-9, discloses video viewing supervision system and further discloses a method of supervising personal exposure to a consumer electronics device (Telecommander 'Tel-C' 10) having a V-chip, the method comprising:

Telecommander (Tel-C) 10 (fig. 1a and 4), which receives audio/video sources "a program signal suitable for conversion by the consumer electronics device..." and content rating "a content-based indicator indicative..." and schedule "timing information" of EPG (an hour, day, week, etc,) and a reference time or current time (col. 6, lines 55-61) via Satellite 17, Cable Box 16, TV Antenna, Game 19 and VCR 18 (col. 3, lines 13-33), where Tel-C 10 uses Microprocessor (MP) 438 and Real Time Clock to generates timing information

Remoter Control Unit (RCU) 12 (figs. 2a) or Tel-C 10 Controls 26, allows a Parent to program Tel-C 10, by selecting content rating "a content-based specification" and selecting a time period(s) or duration(s) "one or more finite time range specification" with the rating (figs. 6-10, col. 3, lines 33-50, col. 7, lines 11-22 and col. 8, lines 10+); note the various blocking of programs, channels within a set time(s) in figures 7-10;

Microprocessor (MP) 438 (fig. 4 and col. 6, line 58-col. 7, line 23) compares the time period(s) with the time of the day, blocks selected channels within the restricted time period(s) and allows the user or parent see the program if the program is outside the restricted or blocked time period "review of the user discernible information without user input or comparison of the received content-based indicator with a content-based

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specification if the reference time is outside the first time range specification;" (col. 8, lines 10-65 and col. 10, lines 11-57)

MP 438 further compares one or more selected rating with the received rating and when the reference time falls within the restricted time period(s) or "range" and generates a block control signal to block "impairing" the program(s), channel(s), etc., "program signal" in response to a block control signal from MP 438, if the received content rating exceeds the selected content rating (col. 8, lines 10-65 and col. 10, lines 11-57), note that encoding is under EIA Standard and the parent can block by program(s), channel(s), time on a day, week, month, etc, based on the content rating "subject matter category" of the program to permit the child to only watch selected program(s) at specific time period(s), as specified by the parent.

As to claim 14, Stas further discloses where the program signal, is impaired by scrambling and/or blocking the program signal (col. 8, lines 10-52 and col. 9, lines 41-65).

As to claim 15, Stas further discloses impairing the program signal by blocking out the program signal (col. 8, lines 10-52, col. 9, lines 41-65 and col. 10, lines 17-35).

As to claim 16, Stas teaches where the selected time interval repeats for each day of a workweek (col. 8, lines 10-52, col. 9, lines 41-65 and col. 10, lines 17-35).

As to claims 17, 18, 37-41, Stas further discloses selecting different ratings and different time intervals with the selected ratings and disabling the V-chip if the reference time is outside the selected time intervals and allowing the user or parent to see program(s), channel(s) outside the selected time period(s) without comparison of the

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received content rating and the selected ratings (col. 8, lines 10-52, col. 9, lines 41-65 and col. 10, lines 17-35), and blocking out during the user selected time

As to claim 19-24, note the **Stas** reference figures 1 and 5-9, discloses video viewing supervision system and further discloses a recordable medium for a consumer electronics device (Telecommander 'Tel-C' 10) having a V-chip comprising: a computer program comprising steps for:

a Telecommander (Tel-C) 10 (fig. 1a and 4), which receives audio/video sources "a program signal suitable for conversion by the consumer electronics device..." and content rating "a content-based indicator indicative..." and schedule "timing information" of EPG (an hour, day, week, etc,) and a reference time or current time (col. 6, lines 55-61) via Satellite 17, Cable Box 16, TV Antenna, Game 19 and VCR 18 (col. 3, lines 13-33), where Tel-C 10 uses Microprocessor (MP) 438 and Real Time Clock to generates timing information

Remoter Control Unit (RCU) 12 (figs. 2a) or Tel-C 10 Controls 26, allows a Parent to program Tel-C 10, by selecting content rating "a content-based specification" and selecting a time period(s) or duration(s) "one or more finite time range specification" with the rating (figs. 6-10, col. 3, lines 33-50, col. 7, lines 11-22 and col. 8, lines 10+); note the various blocking of programs, channels within a set time(s) in figures 7-10;

Microprocessor (MP) 438 (fig. 4 and col. 6, line 58-col. 7, line 23) compares the time period(s) with the time of the day, blocks selected channels within the restricted time period(s) and disables the V-chip to allow the user or parent see program(s) if the program(s) is outside the restricted or blocked time period "review of the user

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discernible information without user input or comparison of the received content-based indicator with a content-based specification if the reference time is outside the first time range specification;" (col. 8, lines 10-65 and col. 10, lines 11-57);

MP 438 further compares one or more selected rating with the received rating and when the reference time falls within the restricted time period(s) or "range" and generates a block control signal to block "impairing" the program(s), channel(s), etc., "program signal" in response to a block control signal from MP 438, if the received content rating exceeds the selected content rating (col. 8, lines 10-65 and col. 10, lines 11-57), note that encoding is under EIA Standard and the parent can block by program(s), channel(s), time on a day, week, month, etc, based on the content rating "subject matter category" of the program to permit the child to only watch selected program(s) at specific time period(s), as specified by the parent.

As to claims 25-29, note the **Stas** reference figures 1 and 5-9, discloses video viewing supervision system and further discloses a consumer electronics device (Telecommander 'Tel-C' 10) having a V-chip for supervising personal exposure to user discernible information, comprising:

Telecommander (Tel-C) 10 (fig. 1a and 4), which to receives audio/video sources "a program signal suitable for conversion by the consumer electronics device..." and content rating "a content-based indicator indicative..." and schedule "timing information" of EPG (an hour, day, week, etc,) and a reference time or current time (col. 6, lines 55-61) via Satellite 17, Cable Box 16, TV Antenna, Game 19 and VCR 18 (col. 3, lines 13-33), where Tel-C 10 includes a Non-volatile Memory (N-Mem) 448, which includes "a



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look-up list" of content rating is configured to store time period(s) and selected content rating and uses Microprocessor (MP) 438 and Real Time Clock to generate timing information to control the received audio/video signal sources.

Remoter Control Unit (RCU) 12 (figs. 2a) or Tel-C 10 Controls 26 "a data entry system," allows a Parent to program Tel-C 10, by selecting content rating "a content-based specification" and selecting a time period(s) or duration(s) "one or more finite time range specification" with the rating (figs. 6-10, col. 3, lines 33-50, col. 7, lines 11-22 and col. 8, lines 10+); note the various blocking of programs, channels within a set time(s) in figures 7-10;

Microprocessor (MP) 438 "a logic" coupled to N-Mem 448 (fig. 4 and col. 6, line 58-col. 7, line 23) extracts the content rating and compares the time period(s) with the time of the day, blocks selected channels within the restricted time period(s) and disables the V-chip to allow the user or parent see program(s) if the program(s) is outside the restricted or blocked time period "review of the user discernible information without user input or comparison of the received content-based indicator with a content-based specification if the reference time is outside the first time range specification;" (col. 8, lines 10-65 and col. 10, lines 11-57)

the claimed "a signal impairment mechanism" is met by Generate 446 which is coupled to MP 438 and receives control signals via MP 438 in response to a comparison to selectively restricted time period(s) or "range" by generating a block control signal to block "impairing" the program(s), channel(s), etc., "program signal" or selectively pass the received audio/video signal without substantial impairment or

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impairing the program (col. 8, lines 10-65 and col. 10, lines 11-57), note that encoding is under EIA Standard and the parent can block by program(s), channel(s), time on a day, week, month, etc, based on the content rating "subject matter category" of the program to permit the child to only watch selected program(s) at specific time period(s), as specified by the parent.

As to claims 30-31, the claimed "switch..." is inherent to Generator 446 (col. 6, line 58-col. 7, line 23), which receives signals via MP 438 to control the TV display 20.

Claim 32 is met as previously discussed with respect to claim 27.

Claims 33-34 is met as previously discussed with respect to claim 25, note further that the content rating and selected time period are pre-programmed by the manufacturer of Tel-C 10, which includes a user control "data entry" system 26 and conforms to EIA standard (col. 8, lines 34-48).

As to claims 35, 36, 42-44 and 46, Stas further teaches generating a control signal if the rating indicator is within an allowable range of indicators defined by the selected rating and generating second control signal if the rating indicator is outside the allowable range of indicators, to block audio/video signal during the various selected time intervals using Generator 446 "a signal impairment mechanism" where the control signal is used to disable the V-chip or pass the audio/video signal outside the restricted time period, where Tel-C-10 stores selected time intervals compares the received reference time with the various selected time intervals and enables the V-chip if the reference time is within the selected time intervals and where the other selected time

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intervals are associated with the selected ratings (col. 8, lines 10-52, col. 9, lines 41-65 and col. 10, lines 17-35).

Claim 45 is met as previously discussed with respect to claims 35, 36, 42-44 and 46 above.

### ***Response to Arguments***

3. Applicant's arguments with respect to claims 1-46 have been considered but are moot in view of the new ground(s) of rejection. The amendment to all the independent claims necessitated the new ground(s) of rejection discussed above. This office action is made FINAL

### ***Conclusion***

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Ward, et al (2002/0109732) disclose V-chip plus +: in guide user interface apparatus and method.

Browne et al (6,286,141) disclose personal editing system.

Casement et al (6,144,401) disclose television schedule system with access control.

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not

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mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.


7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Annan Q. Shang** whose telephone number is **571-272-7355**. The examiner can normally be reached on **700am-500pm**.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **John W. Miller** can be reached on **571-272-7353**. The fax phone number for the organization where this application or proceeding is assigned is **703-872-9306**.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the **Electronic Business Center (EBC)** at **866-217-9197 (toll-free)**.



**Annan Q. Shang**



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